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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,896	06/07/2005	Philip L. Eardley	36-1905	8426
23117 7590 10/23/2009 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
CHANG, TOM Y				
ART UNIT		PAPER NUMBER		
2456				
MAIL DATE		DELIVERY MODE		
10/23/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Claims 1-11 are pending.

Applicant Argument's

Applicant's arguments filed 10/05/2009 have been fully considered but they are not persuasive.

The applicant argue that the rejection for claim 1 is improper because Karino merely describes a system that produces the same results as the applicant's invention but does not teach any determination of origin of a packet in order to determine whether the packet should be sent along the current routing path and different routing path, or sent only along the current path.

The examiner has fully considered the applicant arguments and finds the arguments not persuasive. The examiner does not concede that the statement "clearly shows the equivalent functionality of the determination" implies that the examiner tacitly admits Karino fails to teach the claim limitations. In fact the examiner argues that such a statement clearly says that the examiner believes Karino teaches the limitations. Furthermore the applicant has indicated that the claims do not explicitly discuss determining the origination of the packet (see applicant's response pg 6). Claim 1 recites "determine, on receipt of a packet destined for said mobile node, whether said packet is from another node on said chain or not". The claim merely describes a node determining whether a packet is meant to travel on the originally established path because the packet only needs to travel on a previously established path/chain since the mobile host has not moved to a new location that requires re-routing of the packets

(determination a in claim 1), or that transmission along 2 paths is required since the mobile host has moved out of range of the original established path/chain (determination b in claim 1). There is no discussion of origin in the claim.

Accordingly Karino describes claim1 in Figures 16,17 and corresponding description in Col 29 Line 52- Col 34 Lines 6. Karino teaches in Col 30 Line 60 – Col 31 Line 13 that a mobile host moves to a new area serviced by a different base station this information is updated throughout the network. This update is communicated using a position recording message to the branching routers that the mobile host has moved or soon will move out of reach of the original routing path and a new path must be established (Col 31 Lines 14-33). In Karino determination “a” corresponds to a branching router determining that a packet is not in a original chain because the mobile host has move out of reach of the original base station. The determination is made using positioning information sent to the branching router from the mobile host. Determination “b” corresponds to right after the establishment of the initial chain/path by the mobile host. Again this is achieved by position information sent to the branching routers, but in this case the router does not need to transmit a packet along to different chains/paths because the position information indicates that the mobile host is still in range of the original base station. Therefore Karino clearly teaches determination is made as to whether the packet is on a original chain or needs to be bi-directionally transmitted on 2 different chains.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TOM Y. CHANG whose telephone number is (571)270-5938. The examiner can normally be reached on Monday - Thursday from 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit, can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/T. Y. C./
Examiner, Art Unit 2456